


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JUL 22 AM 11:33
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY  DEPUTY

Edward B. Ewing

PLAINTIFF,

'08 CV 1311 H POR

Vs.

Case No.

FIRST AMERICAN LOANSTAR TRUSTEE SERVICES

DEFENDANT

PLAINTIFF'S MOTION FOR EX PARTE TEMPORARY RESTRAINING ORDER

Plaintiff, Edward B. Ewing (Ewing), *pro se*, hereby files this motion for an ex parte temporary restraining order against Defendant, First American Loanstar Trustee Services (Loanstar) to enjoin Loanstar from conducting a Trustee's sale of Ewing's property on Wednesday, July 23, 2008, and in support thereof states:

1.

The property involved in this lawsuit and motion is known as 4082 Vermont Street, San Diego, California 92103.

2.

Rule 65(b) provides that "the court may issue a temporary restraining order without written or oral notice to the adverse party ... only if:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss or damage will result to the movant before the adverse party can be heard in opposition...."

3.

In his Verified Complaint, supported by a Motion of Points and Authorities, Ewing has convincingly demonstrated that the factual and legal standards warranting both a preliminary injunction and a temporary restraining order have been met.

4.

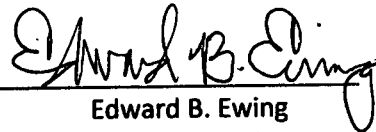
As shown by the Certificate of Service attached to the Verified Complaint, Ewing has given notice to Defendant of the filing of this request for an Ex Parte Temporary Restraining Order.

5.

Ewing has given adequate reason for the Court to enter the Temporary Restraining Order without bond.

WHEREFORE, Plaintiff, Edward B. Ewing, hereby requests this Court to enter a Temporary Restraining Order, Ex Parte, enjoining the Trustee's sale of Plaintiff's property.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward B. Ewing", is written over a horizontal line.

Edward B. Ewing
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